

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JAMES MURPHY, *for himself and on behalf*
of all other persons similarly situated,

Plaintiff,

-against-

NIGHT GALLERY INC.,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: October 4, 2022

1:21-cv-10683 (ALC)

ORDER

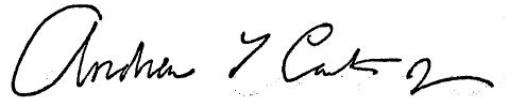
ANDREW L. CARTER, JR., United States District Judge:

On February 7, 2022, Defendant requested a pre-motion conference regarding an anticipated motion to dismiss. ECF No. 8. Plaintiff did not file a letter in response as required by this Court's rules. On February 15, 2022, the Court ordered Plaintiff to respond by February 18, 2022. ECF No. 9. To date, Plaintiff has yet to respond. The Court on April 8, 2022 ordered Plaintiff to show cause by April 18, 2022 why this action should not be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). ECF No. 15. Plaintiff has not responded, nor has Plaintiff requested an extension to do so. Moreover, there has been no activity in this case since the issuance of the Order to Show Cause.

Accordingly, this action is hereby DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is respectfully directed to terminate this case.

SO ORDERED.

Dated: October 4, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge